

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

**CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7:00 PM**

**A Moment of Silence was observed for Louis Avery, a retired long time employee of town sewer department who had passed away.**

**SALUTE TO THE FLAG**

**ROLL CALL BY CLERK**

TOWN COUNCILMAN JOEL B. BRINK  
TOWN COUNCILMAN ERIC KITCHEN  
TOWN COUNCILMAN JOHN MORROW  
*TOWN COUNCILMAN ROCCO SECRETO - absent*  
SUPERVISOR JAMES QUIGLEY 3<sup>rd</sup>

**PUBLIC COMMENT**

Mr. Marc Rider advised the Town Board that if they pass the proposed 2% tax cap override local law, they would affect the resident's property rebate checks from the state.

**COMMUNICATIONS**

There were no communications.

**COMMITTEE REPORTS**

Councilman Morrow reported from the Highway Committee that they had a meeting to review this year's budget and a 5 year equipment replacement plan. They reviewed the Transfer Station.

He reported from the Buildings and Grounds that the rain garden has been removed.

Councilman Kitchen reported from the Recreation Committee that Bidy Basket Ball signs up were underway. The Summer Camp program finished under budget. Volleyball is starting. The Christmas Tree Lighting is being planned. The parks are due to close at the end of the month. He reported from the Water and Waste Water Committee that the new employees are working out. The department has identified 10-15 manholes that need to be fixed for infiltration of ground water. All the districts are running normal. The water department has its fire hydrants scheduled for flushing. The coating on one of the Ulster Water District storage tanks has reached its capacity. The town is reviewing its options on repairing or replacing it. The department is in need of a garage to store their vehicles and equipment.

Councilman Brink reported that the Town Finance Committee had held their meeting to review the town's bills. He reported from the Personnel Committee that the town hosted a management meeting to review employee disciplinary practices. He reported from the Building Department that there have been numerous activities. Ulster Gardens, has construction going on, Hudson Valley Collision has done a lot of work on their building, Burger King is revamping their store. Hardies is coming to the Town. Aldi's Food is revamping their store as well. The Tracker Supply Store held their ribbon cutting on Oct 4, 2014.

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

**7:05 PM -Special Use Permit for UCCC Pfeiffer Center for Business, SBL 48.8-1-1.212,  
101-103 Frank Sottile Blvd.**

Supervisor Quigley called the public hearing to order at 7:12 PM

Town Attorney Jason Kovacs stated that the purpose of this hearing is to consider issuing a “special use” permit that is required to allow a college in “OM” district.

Public Comment:

Mr. Robert Barton inquired if the college was going to rent or buy the property. Supervisor Quigley reported that they were renting the building.

Councilman Brink moved to close the hearing at 7:13 PM  
2<sup>nd</sup> by Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
<i>Town Councilman Secreto</i>	- <i>Absent</i>
Supervisor Quigley	- Aye

CARRIED

**7:10 PM -Special Use Permit for Darien Lake Kingston, LLC dba Holiday Inn Express &  
Suites, SBL 39.19-3-14, Route 9W North, Lake Katrine**

Supervisor Quigley called the public hearing to order at 7:14 PM

Town Attorney Jason Kovacs stated that the purpose of this hearing is to consider issuing a “special use” permit that is required due to the zoning.

There was no public comment

Councilman Morrow moved to close the hearing at 7:15 PM  
2<sup>nd</sup> by Councilman Kitchen

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
<i>Town Councilman Secreto</i>	- <i>Absent</i>
Supervisor Quigley	- Aye

CARRIED

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

**7:15 PM - Local Law of 2014; A Local Law Providing for the Adoption of Section 177-28(G) of Chapter 177 of the Town Code: Testing of Water Meters**

Supervisor Quigley called the public hearing to order at 7:16 PM

Water Superintendent John Rose reported that the purpose of this law is to ensure that the water meters are running up to standard to ensure that all the town's water is accounted for.

Public Comment:

Mr. Robert Barton inquired if the town had to pay for any of the meter testing.

Supervisor Quigley reported that the law requires a third party to test the meters and the property owner has to pay for it.

Councilman Morrow moved to close the hearing at 7:19 PM  
2<sup>nd</sup> by Councilman Kitchen

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
<i>Town Councilman Secreto</i>	- <i>Absent</i>
Supervisor Quigley	- Aye

CARRIED

**7:20pm - Town Highway Department to enter 44 Lake Road, Lake Katrine for the purpose of a cleanup and authorizing the cost of same to be added to the Real Property Tax Bill**

Supervisor Quigley called the public hearing to order at 7:20 PM

Mrs. Kathryn Moniz, Building Inspector reported that the property was bought as a foreclosure and they have failed to clean up the property and bring it into compliance. The owners of the property have been unreachable.

Public Comment:

Mrs. Ann Quigley (note: no relation to the Town Supervisor) – She inquired about the status of the condition of the house.

A discussion followed about the Town focusing on cleaning up the property first. The town would investigate its rights to demolish the house.

Councilman Morrow moved to close the hearing at 7:27 PM  
2<sup>nd</sup> by Councilman Kitchen

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

Town Councilman Morrow - Aye  
*Town Councilman Secreto* - Absent  
Supervisor Quigley - Aye

CARRIED

**Motion to Authorize the Town Highway Department to clean up all the trash and debris at 44 Lake Road, Lake Katrine (SBL # 39.20-2-24 ) and to have all expenses of that removal levied onto the property tax roll.**

MOTION: Councilman Kitchen  
SECOND: Councilman Morrow

Town Councilman Brink - Aye  
Town Councilman Kitchen - Aye  
Town Councilman Morrow - Aye  
Town Councilman Secreto - Absent  
Supervisor Quigley - Aye

CARRIED

**Update on Cleanup of 454 Hurley Avenue**

Mr. Douglas Whittaker gave an update of the 454 Hurley Ave. address. The property is considered cleaned and all the hazardous materials were removed. A final air sample approval is pending.

**Resolution Adopting Local Law No. 4 2014, a Local Law providing for the Adoption of a New Section 105-2 of Chapter 105 of the Town Code, Landlord Registration Law**

WHEREAS, an introductory Local Law entitled "A Local Law Providing for the Adoption of a New Section 105-2 of Chapter 105 of the Town Code" was introduced before the Town Board of the Town of Ulster on August 7, 2014, and upon notice duly published and posted, a hearing was held on August 21, 2014 at 7:10 p.m., before the Town Board,

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significant of said introductory local law, and be it

RESOLVED, that the adoption of the introductory local law entitled "A Local Law Providing for the Adoption of a New Section 105-2 of Chapter 105 of the Town Code" is hereby determined to be a Type II SEQR action, and be it further

RESOLVED, that the Town Board of the Town of Ulster hereby adopts said Local Law No. 4 of 2014 - A Local Law Providing for the Adoption of a New Section 105-2 of Chapter 105 of the

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

Town Code, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and he hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ulster, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

**TOWN OF ULSTER**  
Local Law No. 4 of 2014

A Local Law Providing for the Adoption of a New Section 105-2 of Chapter 105 of the Town Code

Be it enacted by the Town Board of the Town of Ulster as follows:

**Section I.** A new Section 105-2 of Chapter 105 of the Code of the Town of Ulster is hereby enacted as follows:

§ 105-2. Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**BUILDING** - Any structure having a roof, supported by columns or by walls or self-supporting, and intended for the shelter, housing or enclosure of persons, animals or chattel.

**OWNER** - Any individual or individuals, partnership or corporation, similar type of business organization or proprietary interest, whether for profit or otherwise, in whose name title to a building is vested.

**RESIDENTIAL RENTAL PROPERTY**- Residential rental property includes each parcel of real property which meets either of the following criteria:

- 1) A real property parcel on which at least three (3) dwelling units that are leased or otherwise rented to tenants solely for residential purposes is located.
- 2) A real property parcel that is located in a mobile home park or other permanent or semi-permanent site at which at least three (3) lots are leased or otherwise rented to tenants for parking a manufactured home, a mobile home, or a recreational vehicle that is used solely for residential purposes.

**RESPONSIBLE PERSON** - A local responsible person over 21 years old, residing or doing business in Ulster County, who shall be responsible for the care and management of such property and is authorized by said owner to accept legal process on behalf of the owner when the owner resides or has its principal place of business outside of Ulster County

**Section II. Severability**

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

**Section III. Effective Date**

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York State Secretary of State.

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

CARRIED

**Update on School Sign Request for Kukuk Lane**

Town Clerk Cosenza reported that the Town is still waiting on the findings and determination of the NYS DOT to install a school speed zone on sign Kukuk Lane.

**Discussion on Transfer Station Operations for 2015**

Supervisor Quigley reported that the Transfer Station's cost is exceeding its income to the point of a projected \$60K shortfall for 2015. The increase is due to the Ulster County RRA equipment needing to be upgraded to handle the pickup of the town waste. This expense will need to be offset through raising rates and or taxes. He suggested hosting an informational public hearing to present the figures and to solicit input from the public.

**Schedule a Public Hearing on Transfer Station Operations and Budget for Thursday, October 16, 2014 at 7:20 pm**

MOTION: Councilman Brink

SECOND: Councilman Morrow

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

CARRIED

**Resolution requesting Town Clerk to request a traffic study by NYS DOT for the installation of a Traffic Signal for East Chester St. By-Pass (Route 9W) at VanKleek's Lane and Memorial Drive, Town of Ulster**

WHEREAS, New York State Vehicle and Traffic Law, Section 1660, permits the Town Board to establish traffic regulations within the Town by Resolution, and

WHEREAS, increased traffic on East Chester Street Bypass had made exiting Van Kleecks Lane and Memorial Drive onto East Chester Street Bypass increasingly difficult; and

WHEREAS, the installation of a traffic signal at said intersection may be appropriate and in the interest of public safety, now, therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes the Ulster Town Clerk to write a letter to the New York State Department of Transportation, Region 8, Nicholas Choubah, Regional Traffic Engineer, 4 Burnett Blvd., Poughkeepsie, NY 12603, requesting a traffic study be performed for the purpose of the installation of a traffic signal at the intersections of East Chester Street Bypass along Van Kleecks Lane and Memorial Drive.

MOTION: Councilman Kitchen

SECOND: Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

CARRIED

**Presentation of and motion to accept 2013 Audited Financial Statements, A-133 Federal Audit, Management Letter and Report to the Town Board**

MOTION: Councilman Kitchen

SECOND: Councilman Brink

Town Councilman Brink	- Aye
-----------------------	-------

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

Town Councilman Kitchen - Aye  
Town Councilman Morrow - Aye  
Town Councilman Secreto - Absent  
Supervisor Quigley - Aye

CARRIED

**Presentation of and motion to accept 2013 Town Justice Court – Auditors Review**

MOTION: Councilman Brink  
SECOND: Councilman Morrow

Town Councilman Brink - Aye  
Town Councilman Kitchen - Aye  
Town Councilman Morrow - Aye  
Town Councilman Secreto - Absent  
Supervisor Quigley - Aye

CARRIED

**Presentation of and motion to accept 2013 Town Clerks Office – Auditors Review**

MOTION: Councilman Kitchen  
SECOND: Councilman Brink

Town Councilman Brink - Aye  
Town Councilman Kitchen - Aye  
Town Councilman Morrow - Aye  
Town Councilman Secreto - Absent  
Supervisor Quigley - Aye

CARRIED

**Motion to set a Public Hearing date for a one year extension for the Fire Protection Contract between the TOU on behalf of the Eddyville Fire Protection District and the Bloomington Fire Company for Thursday, October 16, 2014 at 7:10 PM**

MOTION: Councilman Kitchen  
SECOND: Councilman Brink

Town Councilman Brink - Aye  
Town Councilman Kitchen - Aye  
Town Councilman Morrow - Aye  
Town Councilman Secreto - Absent  
Supervisor Quigley - Aye

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

CARRIED

**Resolution to increase the Out of District Premium from 10% to 25% effective with the next billing cycle for private customers of the Town of Ulster Water Districts**

WHEREAS, the Town of Ulster currently charges out-of-district water customers the district rate for water consumption, plus a premium of 10%; and

WHEREAS, it is in the best interest of the Town of Ulster and its various water districts to increase the premium charged to said out-of-district water customers from 10% to 25%; now, therefore, be it

RESOLVED, that the official Fee Schedule of the Town of Ulster is hereby revised, effective next water billing cycle, as follows:

A194-1 H-10. Outside district: district rate plus twenty-five percent (25%).

MOTION: Councilman Kitchen

SECOND: Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

CARRIED

**Schedule a Public Hearing on the TOU 2015 Preliminary Budget for November 6, 2014 at 7:10 PM**

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

CARRIED

**Motion to schedule a Public Hearing for Local Law of 2014: Override of Tax Cap for November 6, 2014 at 7:20 PM**

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

MOTION: Councilman Brink  
SECOND: Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

CARRIED

**Resolution Authorizing License Agreement for Repeater Station for Ruby Fire Department**

WHEREAS, the Ruby Fire Department has had trouble with radio coverage in the Ruby Fire District for many years; and

WHEREAS, the Ruby Fire Department is requesting permission to locate a repeater station on Town of Ulster property; and

WHEREAS, it is in the interest of public safety for the Town of Ulster to assist the Ruby Fire District in providing a location for a repeater station; and

WHEREAS, the Ruby Fire Department and the Town of Ulster have reached an agreement in regard to the terms and provisions as set forth in the attached license agreement; now, therefore, be it

RESOLVED, that the Town Board does hereby approve the License Agreement, and be it further

RESOLVED, that the Town Supervisor is authorized to sign the Agreement as chief executive officer of the Town of Ulster.

MOTION: Councilman Brink  
SECOND: Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

CARRIED

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

**Discussion on a request for the extension of Site Plan Approval for Ulster 9W Holdings, LLC - 1680-1694 Ulster Ave & 1670 – 1678 Ulster Ave. SBL 39.082-2-3.2, 39.082-2-3.3 and 39.082-2-3.4**

Kathryn Moniz, the Building Inspector, reported that the town had received correspondence from NYS DOT about stormwater runoff from the undeveloped Quickchek property where cars are being stored. They are asking the town to address this by having the property owners install the stormwater mitigation that was proposed for the full build out of the property. Excess water is being discharged onto the roadway.

**Motion that the Town Building Inspector convey to Ulster 9W Holdings, LLC, the property owner of 1680-1694 Ulster Ave & 1670 – 1678 Ulster Ave., SBL 39.082-2-3.2, 39.082-2-3.3 and 39.082-2-3.4, that the Town Board will not extend their site plan approval until the NYS DOT and the Building Department is satisfied with their stormwater mitigation plan.**

MOTION: Councilman Morrow  
SECOND: Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

CARRIED

**Motion to Hire Brooke Patterson, Garry Tuma and Taylor Heins as Part-time Police Dispatchers at a rate of \$14.13 an hour, effective Oct 2, 2014**

MOTION: Councilman Morrow  
SECOND: Councilman Kitchen

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

CARRIED

**Motion to Hire Ralph Leiter as a Full-time Police officer at a rate of pay of \$19.19, effective October 18, 2014**

MOTION: Councilman Morrow  
SECOND: Councilman Kitchen

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

CARRIED

**Public Comments**

Mr. Robert Barton inquired about the availability of the 2015 proposed budget. He expressed concern about the water resource euphoria available to the town and having those resources used by the proposed water bottle company. He also expressed concern about the discharge of the water from the water bottle company to the local creek.

Councilman Morrow asked the Town Board to review the signage for the entrance to the new Tractor Factory as it causes drivers to turn off earlier thinking it is the entrance to Route 209. Supervisor Quigley stated he would contact the NYS DOT to address the issue.

**Executive Session**

Councilman Brink moved to enter into executive session to discuss the Local #17 Union Contract Negotiations at 7:58 PM  
2<sup>nd</sup> by Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

CARRIED

Town Attorney Jason Kovacs and Town Highway Superintendent Frank Petramale were present in the meeting.

Executive Session ended at 8:18 PM

Councilman Morrow moved to adjourn the meeting at 8:20 PM  
2<sup>nd</sup> by Councilman Kichen

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Absent
Supervisor Quigley	- Aye

ULSTER TOWN BOARD MEETING  
OCTOBER 2, 2014 AT 7:00 PM

CARRIED

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk